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Summary record of the 1661st meeting

Held at the Palais Wilson, Geneva, on Thursday, 26 July 2018, at 3 p.m.

Chair: Mr. Modvig

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of the Russian Federation (*continued*)

1. *At the invitation of the Chair, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Galperin** (Russian Federation), replying to questions raised at the 1658th meeting, said that the incident that had occurred in the correctional facility in Yaroslavl province and other similar incidents had been investigated, and perpetrators of offences, regardless of their rank, had been prosecuted and, where appropriate, subjected to harsh penalties. In the Yaroslavl case, 17 officials had been dismissed, 7 had been imprisoned and 5 had been arrested. Those measures had sent a very clear signal that torture was unacceptable. The Investigative Committee and the Federal Penal Correction Service kept the public informed of such proceedings. He was unaware of the circumstances that had prompted Yevgeny Makarov's lawyer to flee the country. However, if she felt threatened, the authorities would guarantee all protective measures prescribed by the country's legislation, such as appointment of a personal security team and measures to ensure a safe place of residence and workplace.

3. The Federal Penal Correction Service had issued a decree a few days earlier establishing a commission mandated to conduct inspections of detention facilities throughout the country. It would ensure that they were all equipped with video surveillance systems, which had been effective in revealing gross violations of human rights in the Yaroslavl incident. Furthermore, the special unit of the Investigative Committee that was responsible for investigating crimes of torture had been provided with all necessary tools to ensure the effectiveness of its investigations, and it was therefore not considered necessary to set up similar specialized structures in all regions. The public oversight commissions had the right to freely visit places of detention, as did the Human Rights Commissioner of the Russian Federation and the regional commissioners. A mechanism set up under the Optional Protocol to the Convention would risk duplicating the work of those mechanisms.

4. The Russian Federation cooperated closely with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which had conducted 27 visits to the country since 1998. The Committee's reports were confidential unless the State concerned decided to publish them. Although the authorities rarely agreed with the entire content of such reports, they did not rule out the possibility of permitting their publication. They had done so, for example, in the case of the 2013 report.

5. With regard to compensation for victims of torture, the Ministry of Justice was endeavouring to establish a comprehensive procedure that would guarantee reparations for rights violations related to unacceptable conditions in all places of detention, including pretrial detention facilities. It had drafted a bill on the subject, which would be submitted to the parliament of the Russian Federation before the end of 2018. With regard to safeguards for inmates in psychiatric establishments, Federal Act No. 203 of 19 July 2018 provided for more effective control of conditions in places of detention, including medical and psychiatric establishments. Members of public oversight commissions were permitted to take photographs and record videos when visiting such facilities.

6. Public trust was recognized as a key criterion in assessing the performance of law enforcement agencies. The "stick system", based on number of cases handled, had long been abandoned and the Ministry of Internal Affairs had introduced reforms based on modern principles of performance assessment. External assessments were based on sociological and other data reflecting the population's views of the performance of law enforcement agencies, and internal assessments were based on expert reviews and statistical data. The methodology was set forth in Government Decree No. 1142 of 3 November 2012.

7. The amendments to the Federal Constitutional Act on the Constitutional Court adopted in 2015 were not intended to exempt the Russian Federation from responsibility to comply with decisions of international bodies that it opposed. The amendments had given

rise to only two Constitutional Court rulings to date, and both had focused on the procedures to be followed in implementing decisions by the European Court of Human Rights. In both cases, the Constitutional Court had highlighted the need for dialogue and mutually acceptable solutions.

8. Article 10 (2) of the Federal Act on Public Oversight of Respect for Human Rights in Places of Forced Detention and on Assistance to Inmates of Places of Forced Detention specified the procedures for establishing public oversight commissions. A whole range of organizations could nominate candidates. However, the Act prohibited the nomination of persons with a criminal record, persons without legal capacity or with diminished legal capacity, persons who had been appointed to the same commission on more than three occasions, lawyers, staff of procurator's offices, and members of State bodies at the federal or local level.

9. **Mr. Maksimenko** (Russian Federation) said that articles 286 and 302 of the Criminal Code were applicable to public officials who committed offences amounting to torture. Harsh penalties of up to 10 years' imprisonment were prescribed. A total of 3,258 representatives of State bodies had been charged with abuse of authority in 2017, and 2,014 had been charged in the first half of 2018. The statistics were not disaggregated in terms of the ministries concerned.

10. The State adopted a single approach to safeguards for all detainees, regardless of the offence with which they were charged. However, the Code of Criminal Procedure prescribed a lengthier term in custody for persons charged with terrorism because of the complexity of the investigations. Article 48 of the Constitution guaranteed the right to legal assistance for all detainees from the moment of their confinement. Persons who were arrested were entitled to the services, free of charge, of a lawyer and interpreter from the time of their arrest. Detainees also had the right, within three hours of the commencement of the investigation, to inform relatives of their location. If they refused to do so, the investigator was required, under article 96 of the Code of Criminal Procedure, to inform a close relative within 12 hours of the suspect's detention. Apprehensions were kept secret only in a small number of cases, usually because of the need to investigate relatives as accessories. The relatives of minors were informed promptly in all cases. Records of detention and interrogation were mandatory.

11. The maximum period of administrative detention was three hours. Article 27.6 (1) of the Administrative Offences Code provided for the placement of detainees in special designated premises that met sanitary requirements.

12. The expulsion of foreigners or stateless persons who had committed administrative offences on entering the country could be ordered by a court or competent official pursuant to article 3.10 of the Administrative Offences Code. Article 34 of the Federal Act on the Legal Status of Foreign Nationals in the Russian Federation had established a procedure for informing embassies and consulates of decisions concerning expulsion. The courts had decided to expel about 52,000 persons in 2016 and 63,000 persons in 2017. Far fewer foreign citizens had been expelled pursuant to decisions by competent officials. If the persons concerned had entered the country lawfully, a court ruling was required in order to expel them.

13. The Investigative Committee was investigating the death in custody of Valery Pshenichny. The criminal investigation and medical examinations undertaken to date indicated that his injuries had not been inflicted by a third party and that he had not been a victim of sexual violence. Additional examinations were currently being conducted by experts and members of the procurator's office.

14. All reports of acts of violence, including by State officials, against lesbian, gay, bisexual, transgender and intersex persons in Chechnya had been duly investigated. Media reports concerning the detention and torture of persons suspected of non-traditional sexual orientation, the killing of at least three persons, and calls for violence against journalists had been investigated and had not been confirmed. The Office of the Human Rights Commissioner had also failed to identify any offences. In 2017, the Investigative Committee had investigated allegations that Maxim Lapunov had been harassed, abducted, unlawfully detained and beaten by police. As the allegations had not been confirmed, no

criminal proceedings had been instituted. The Committee's conclusions were fully in line with those of the Human Rights Commissioner. Evdokia Romanova had been found guilty of disseminating propaganda in support of non-traditional sexual relations among minors. All requisite court procedures had been followed.

15. Criminal proceedings had been instituted against Oyub Titiev in January 2018 for possession of drugs. During the investigations a great deal of evidence of his guilt had been found, and criminal proceedings had been instigated in June. There had been no violation of his rights.

16. Article 28 of Act No. 3185 of 1992 on psychiatric care permitted enforced psychiatric assistance pursuant to a court decision based on a medical assessment by a psychiatric panel. The State Duma, the lower house of the Federal Assembly, was considering a bill to broaden prosecutors' powers to increase safeguards for citizens in that context. In 2016, the courts had reviewed 25,563 applications concerning involuntary confinement in psychiatric institutions, and more than 25,400, over 90 per cent of the total, had been accepted. In 2017, 25,753 applications had been submitted and 25,409, or more than 98 per cent, had been accepted. The total number of applications had declined significantly in recent years. The quality of medical services in psychiatric institutions and their compliance with international standards were regularly assessed, and patients were entitled to file complaints, which were examined by the procurator's office, unless they were submitted by persons without legal capacity.

17. No complaints had been received regarding the refusal of law enforcement officers to register complaints concerning domestic violence, honour crimes, bride-kidnapping or trafficking in human beings. All criminal acts perpetrated against women were investigated by the competent authorities. He wished to point out, however, that such matters did not fall within the Committee's remit.

18. The information published on the Meduza website regarding alleged acts of torture against Ildar Dadin had been officially investigated, and the allegations had not been confirmed. The staff of the correctional facility and other inmates had been interviewed and the medical records and video recordings had been reviewed. They all refuted the complainant's allegations of the use of physical force.

19. The injuries suffered by Yevgeny Gorevanov had been investigated as part of an investigation into the excessive use of force by public officials against another inmate at the same facility. No evidence had been found that Mr. Gorevanov had been subjected to torture. However, the investigation was ongoing under the supervision of the Office of the Procurator General. Criminal proceedings in connection with the accidental killing of Ruslan Sayfutdinov were under way, including a review of the activities of the medical staff to ascertain whether they had administered unnecessary treatment. Regarding Martiros Demerchyan, the pre-investigation review of the case had failed to confirm the victim's claims that he had been subjected to violence by the police in order to extract a confession. Accordingly, he had been charged with making unfounded claims, but the case had eventually been dropped because of the amount of time that had elapsed since the events.

20. **Mr. Makarov** (Russian Federation) said that in June and July 2018 five detainees had escaped from two separate penal colonies; four had since been recaptured. Two of the escapees had filed a complaint with the procurator regarding labour conditions in the colony and measures had been taken in response. None of the escapees had complained about violence. The reasons behind the escapes would be looked into as part of the criminal investigation.

21. **Mr. Skvortsov** (Russian Federation) said that foreign citizens who had been extradited, in particular to Tajikistan, Uzbekistan or Kyrgyzstan, received visits by Russian consular staff. The visits were private, were not limited in time or recorded, and sometimes the local ombudsman also attended. The Ministry of Foreign Affairs had issued methodological recommendations and was considering the addition of a medical professional to the team that conducted the visits. The Russian authorities were informed whenever an extradited person was moved to a different location.

22. **Mr. Anisimov** (Russian Federation) said that steps were taken to ensure that prisoners were assigned to a penal facility located in their home region. Appropriate safeguards were in place to protect prisoners who were transferred. For example, pregnant prisoners, women prisoners with children and prisoners with disabilities were transported in special vehicles. Aircraft were used for longer distances. A plan had been developed to improve the penitentiary system, including the transport of prisoners. Vehicles had begun to be replaced in 2015 with new ones equipped with air conditioning, toilets, drinking water, appropriate lighting and video surveillance. Furthermore, prisoner convoys were monitored via satellite.

23. Since the adoption of new legislation in 2016, complaints from prisoners were registered in a logbook and transmitted to the penitentiary administration. An administrator visited all cells daily to facilitate the collection of complaints, either in writing or orally. Stationary was provided to inmates for the purpose of filing a complaint. A response was provided within three days of a complaint being lodged, either orally, when the complaint had been deemed unfounded, or in writing, when further action was required. A copy of the outcome of the consideration of a complaint was placed in the prisoner's file. Harassment of any kind against a prisoner for having filed a complaint was prohibited, and officials who violated the rights of prisoners were held accountable. The complaints mechanism was clearly accessible, as demonstrated by the rise in the number of complaints received despite a 14 per cent drop in the prison population.

24. A new model had been introduced in 2015 following a reform of prison medical services. Medical personnel were functionally part of the country's general health-care system and were no longer under the authority of the warden. In addition to the prison-based medical facilities, inpatient treatment could be provided in hospitals, including specialized psychiatric or tuberculosis centres. There were more than 20,000 medical staff posts, which were 90 per cent filled. In fact, the doctor-patient ratio in places of detention was higher than among the general public. All inmates entering the system underwent a medical examination, including X-rays and laboratory tests, where necessary. After admission, inmates could request medical attention during morning roll call. In the event that assistance could not be provided onsite, a prisoner could be transported to a government health-care centre or a specialist could be called to the prison, at the State's expense. A doctor was on duty around the clock. A register of all medical consultations was kept. When a complaint of injury was lodged, medical personnel catalogued the injuries and prepared a report in three copies, one for the inmate's medical file, one for the inmate and one for the prison administration. Further examination by a specialist was possible, where necessary. When emergency care was required, prison medical personnel took charge until an ambulance arrived, and the fact that the facility was unable to provide the requisite care was recorded. As a result of the reform, the death rate in the penitentiary system had fallen by 27 per cent over two years. The new measures focused on prevention and were in line with European standards.

25. The use of modern technology, especially video surveillance, had increased by nearly 50 per cent over the previous two years. The data were stored and used by wardens. The heightened oversight had led to a drop in offences committed by both inmates and staff. Equipment for the biometric identification of inmates was being installed. All new police precincts were equipped with video surveillance, including in interrogation rooms.

26. Special measures were taken for prisoners with disabilities; for example, they were assigned to cells on the ground floor, received larger portions of food and were provided with rehabilitation and other social services. Prison staff were not permitted to use special devices against a prisoner with disabilities unless that person posed a threat to the health or life of staff. Between 2012 and 2017, over 33,000 persons with disabilities had been released from custody. Since the ratification of the Convention on the Rights of Persons with Disabilities, the correctional authorities had adopted a decree and action plan on the accessibility of prisons. Hundreds of ramps and accessible sanitary facilities had been installed thus far.

27. The State was taking considerable steps to make detention centres for minors and women more humane and to bring them into line with international and regional standards. Those steps included equipping cells with televisions and refrigerators and enhancing

sanitary facilities. In addition, a programme of special measures aimed at improving relevant legislation, detention conditions and health-care services had been adopted as part of the National Decade for Childhood. There were 13 special homes where women prisoners could live with their young children. Women prisoners who had children were eligible for leave to visit their families up to four times a year.

28. **Mr. Kokh** (Russian Federation) said that every military police officer was assigned an identification number that any member of the public could use to find out the officer's name and rank by calling a dedicated hotline. The number of the hotlines was posted online and in military installations and was displayed on military police vehicles. A record was kept of all calls, and callers' requests were responded to swiftly; investigations were carried out where warranted and the outcome transmitted to the caller in writing. The Ministry of the Interior had a similar procedure in place.

29. The presence of Russian military police officers in Syria was mandated by the Government of that country. Their role was to maintain security. They carried out observation missions, monitored cease-fires, took part in the evacuation of civilians and assisted the local authorities in returning civilians to their homes. No cases of violence against the local population had been recorded. International humanitarian law was part of the basic and in-service training of the military police. Officers who were to be deployed to Syria underwent an additional one-month training module on the topic. Military police officers who broke the law were held accountable. If criminal proceedings were not brought in cases of breaches of international law, it was usually because disciplinary or administrative proceedings had already been initiated.

30. **Ms. Shlychkova** (Russian Federation) said that the delegation agreed fully with Mr. Heller's view regarding the interconnectedness of human rights and freedoms. Nevertheless, the various treaty bodies should work within their respective areas of competence and not seek to unduly expand the scope of their mandate under the relevant convention. That being said, in a spirit of constructive dialogue, she would provide answers to some of the questions raised on matters that did not fall directly within the scope of the Convention against Torture.

31. The Russian Federation was committed to fulfilling its international obligations throughout its territory, including the Republic of Crimea and the city of Sevastopol, which had chosen to join the Russian Federation. Reliable information regarding apparent human rights violations was verified by the competent authorities and, where warranted, remedial action was taken and the perpetrators were held accountable. The Russian Federation had never had effective control over Transnistria. The territory was self-governing, and the delegation was therefore unable to comment on the human rights situation there. The same was true of south-eastern Ukraine.

32. Non-commercial organizations acting as foreign agents were required to register with the Ministry of Justice to ensure openness and transparency. The register had been published on the Ministry's website and was widely accessible. The relevant legislation had been amended to clarify the concept of "political activity" and the basis and procedure for excluding such organizations from the register. Of the 76 registered organizations, 22 had followed the exclusion procedure and 15 had been removed. Inclusion in the register in no way limited the activities of the organizations. The Government worked closely with civil society and had supported several projects put forward by non-commercial organizations, three of which had received grants from the Office of the President in 2017. The Government had given over 7 billion roubles to civil society organizations in 2017 and 8 billion roubles in 2018. The Government awarded annual prizes of 2 million roubles for noteworthy achievements in the protection of human rights and other humanitarian activities.

33. The Presidential Council for the Development of Civil Society and Human Rights had been set up by a presidential edict in 2011. Its role included providing assistance to the head of State in implementing measures to promote and protect human rights and freedoms, keeping the President apprised of the human rights situation and supporting the development of civil society institutions. The Council also assessed federal laws to ensure compliance with human rights legislation. The membership of the Council was approved by

the President and comprised 50 representatives of Russian human rights organizations, journalists, lawyers and other public figures. The Council held annual meetings with the President, the most recent of which had taken place in October 2017, to discuss problems and make proposals for future action in relation to human rights. The head of the Council also met regularly with the President on an informal basis.

34. By law, the post of Human Rights Commissioner was held by a Russian citizen over the age of 35 with knowledge of human rights and freedoms and relevant experience. Candidates were nominated by the President, the Federation Council and members of parliament and were appointed by the State Duma via a secret ballot. Regional commissioners could be appointed by regional authorities, with the approval of the federal Commissioner, for terms not exceeding five years. Candidates for regional commissioner must be Russian citizens over the age of 30, have an excellent reputation, hold a higher education qualification and have knowledge and experience in the field of human rights. They could not be nominated by regional authorities, parliamentarians or human rights associations.

35. The Human Rights Commissioner cooperated actively with all human rights organizations, including the Presidential Council for the Development of Civil Society and Human Rights, and provided organizational support and information to regional commissioners. The special post of commissioner for the rights of indigenous peoples had been established 10 years earlier and commissioners had been appointed in the Republic of Sakha, Kamchatka Territory and Krasnoyarsk Territory. In light of the positive experiences thus far, similar posts would be created in other regions of the country. The Russian Association of Indigenous Peoples of the North, Siberia and Far East, set up in 1992, represented the interests of indigenous peoples in legislative, legal and social matters.

36. Pursuant to the recommendations of various treaty bodies, including the Committee, the Russian Federation had submitted an updated core document (HRI/CORE/RUS/2017), which contained detailed information on the promotion and protection of human rights in the country.

37. **Mr. Heller Rouassant** (Country Rapporteur) said that he found it surprising that, despite the abundance of available information and witness accounts, the authorities had not been able to confirm the occurrence of acts of aggression, torture and ill-treatment against lesbian, gay, bisexual, transgender and intersex persons in Chechnya. He wished to know whether the investigations into those occurrences were ongoing. He would also appreciate information on the reported extrajudicial executions of 27 individuals in 2017 by security forces of the Ministry of the Interior of Chechnya. Had those events been investigated?

38. According to information available to the Committee, a number of terrorism suspects had been subjected to torture and ill-treatment while in detention. He invited the delegation to comment, in particular, on the cases of the Azimov brothers, who had been accused of the terrorist attacks in St. Petersburg in April 2017, and of Viktor Filinkov and Ilya Kapustin, who were allegedly part of a terrorist group that had planned to sabotage the 2018 elections and the recent football World Cup. They had lodged complaints of torture and ill-treatment, and their injuries had been corroborated by the St. Petersburg Public Oversight Commission, yet the Investigative Committee of the Russian Federation had declined to open criminal proceedings in those cases.

39. He invited the delegation to respond to concerns that the Yarovaya laws, which had been passed ostensibly to combat terrorism and guarantee public security, would have a negative impact on freedom of expression, including in the media. He would also be interested in hearing the delegation's reaction to the decision issued the previous day by the European Court of Human Rights calling on the Russian Federation to provide appropriate medical treatment to Oleg Sentsov, an opponent of the annexation of Crimea, who had been sentenced to 20 years in prison — on the basis of witness testimony that had later been retracted — for his alleged involvement in a terrorist organization. Comments on several other cases related to Crimea would also be appreciated. For example, in December 2016, five Crimean Tatar individuals suspected of belonging to a terrorist organization had been interned for several weeks in a psychiatric hospital, where doctors had reportedly questioned them about their religious practices and political views.

40. Alternative reports pointed to a worrying deterioration of conditions of detention in Crimea, including denial of emergency medical care, which had resulted in the death of some detainees. Mechanisms to prevent torture in and monitor places of detention appeared to be lacking. The Ukrainian national preventive mechanism had ceased to operate in Crimea when it had been annexed by the Russian Federation in 2014, and a public oversight commission had only recently been set up in 2018. The Committee had also received reports of severe prison overcrowding in Crimea, for example at a remand centre in Simferopol, where 1,532 detainees were reportedly being held, although the centre had capacity for only 817.

41. **The Chair** (Country Rapporteur), noting that the delegation had stated that the Yaroslavl incident had demonstrated the effectiveness of video surveillance, said that such surveillance could not be considered effective if the authorities did not follow up promptly and investigate the actions recorded. That had not occurred in the Yevgeny Makarov case; the authorities had reacted only after the video had been made public, a year after it had been recorded. He wished to know what the rules concerning video surveillance were. Was it mandatory for all interrogations to be recorded? It would be helpful to hear who was responsible for monitoring the recordings, how long the videos were retained and whether they were made available to detainees and their lawyers.

42. He had not heard an answer to his questions about how the State party ensured that fundamental legal safeguards were respected in practice. He urged the State party to take steps to monitor compliance with the rules relating to such safeguards. He also wished to reiterate the Committee's recommendation that the State party should amend its Criminal Code to establish a clear definition of the offence of torture, in line with article 1 of the Convention. Without such a definition, public officials who engaged in torture could not be prosecuted effectively.

43. He would like clarification of the total number of complaints made by persons deprived of their liberty and of how many of those complaints concerned acts of torture or ill-treatment. He wondered whether the prison complaints mechanism and the persons who investigated complaints were independent of the prison system. Regarding medical assessments of persons deprived of their liberty, he wished to know how many injuries prison doctors had found and how many investigations had been conducted as a result of those findings. He also wished to know whether the State party would consider forgoing the verification process in alleged cases of torture, as was permitted in other cases that were deemed urgent. He would appreciate an answer to his question concerning how respect for human dignity was ensured during the decontamination procedure.

44. The delegation had stated that no evidence of sexual assault had been found in the case of Valery Pshenichny. He wondered whether the investigation had arrived at the same conclusion regarding signs of torture. Who had conducted the initial examination that had reportedly found signs of torture and sexual abuse? He would be keen to hear how the State party ensured an independent forensic medical investigation of all deaths of persons in custody. The Committee was concerned that investigators were often unable to access video recordings and other evidence held by the prison authorities, which hindered investigations into alleged torture. He would be interested to learn what measures, if any, were in place to ensure that evidence was kept secure and was always available to investigators.

45. He understood that prisoners with a drug addiction did not have access to opioid treatment or needle exchange programmes. Was that the case and, if so, why? It would be useful to know what proportion of HIV-positive inmates received antiretroviral treatment. If antiretroviral medicines were unavailable to prison inmates, that might account for the numbers of HIV-related deaths in custody.

46. He would like clarification of whether the State party intended to issue a public statement officially and unequivocally condemning the use of torture. He would also like replies to his questions on whether medical examinations for new detainees were conducted in the presence of police or prison officials, whether the register of detainees maintained by the police was a digitalized national register and whether information on all detainees' whereabouts could be provided at any time, and whether statistics were available on the

proportion of cases complying with the 48-hour limit for holding detainees without a court order.

47. Lastly, he urged the State party to ensure that non-governmental organizations that had provided information for the present meeting could safely continue their work in society and would not be hindered by administrative harassment, such as excessive inspections by the authorities.

48. **Mr. Touzé**, noting the delegation's assertion that Transnistria fell outside the scope of the Convention as it applied to the State party, said that he found that view difficult to reconcile with the position taken by the European Court of Human Rights, which had ruled in several cases that the European Convention on Human Rights was applicable in Transnistria in respect of the Russian Federation. Both that Convention and the United Nations Convention against Torture set out the same obligations regarding the prohibition of torture, and he therefore failed to see how the prohibition of torture under the Convention would not apply in Transnistria. There was no duplication of functions between the Subcommittee on Prevention of Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The two instruments were complementary, sought to strengthen the prevention of torture in cooperation with States parties, and offered good practices at regional and global levels. He would appreciate the delegation's comments in that regard.

49. **Ms. Racu** said that she would like an answer to her question about specific measures taken to minimize the impact of the criminal subculture in detention centres.

50. **Ms. Gaer** said that she would appreciate replies to her questions on the case of Sergei Magnitsky and on whether the report of Valery Borschev, the head of the Moscow Public Oversight Commission, had been taken into account in the investigation. She wondered why the top officials involved in the Magnitsky case had been subjected to disciplinary punishment only. She would also like a response to her questions regarding the legislative amendment that had reduced acts of violence committed in a family setting to administrative offences, particularly given the reported increase in violence against women, and the failure to prohibit and punish traditional practices, such as so-called honour killings and bride-kidnapping, under the Criminal Code.

51. The jurisprudence of the European Court of Human Rights had clearly stated that the Russian Federation had effective control of Transnistria. Therefore, in keeping with article 2 of the Convention, it was responsible for prevention of acts of torture in Transnistria. The State party had already paid compensation to the family of Vadim Pisari, who had been killed by Russian soldiers at a Transnistrian border checkpoint. Was that not an acknowledgement that the State party did exercise effective control in that region? She would like to know whether the State party intended to take steps to ensure monitoring of prisons and prevention of torture in the Transnistrian region.

52. **Mr. Hani** said that he would like clarification regarding the application of article 128 of the Criminal Code, on the unlawful hospitalization of persons in psychiatric institutions, in the light of alternative reports citing several such cases and the State party's conflicting statement, in paragraph 407 of the report, that no violations of the Convention had been committed against patients in psychiatric institutions. Further information would be appreciated regarding the case of Ilmi Umerov. He would also like more information regarding the selection criteria for members of the public oversight commissions. In particular, he wondered why lawyers were not eligible for membership. Lastly, would the State party consider contributing to the United Nations Voluntary Fund for Victims of Torture, which currently provided support for five non-governmental organizations in the Russian Federation?

53. **Mr. Rodríguez-Pinzón**, noting that reports indicated that the levels of compensation granted to victims of torture were very low, said that the Government should ensure that the bill on compensation for victims guaranteed compensation that was proportional to the injury suffered. It would be essential to collect data relating to compensation for victims in order to monitor compliance with the new law.

54. **Ms. Zhang**, welcoming the legislative and other measures that the State party had taken to implement the Convention, asked whether changes were envisaged to allow public oversight commissions to conduct unannounced visits to places of detention.

The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

55. **Mr. Maksimenko** (Russian Federation) said that Akram and Abror Azimov had participated in a terrorist act, in which an explosive device was detonated on a metro train in St. Petersburg, killing 16 people and injuring many more. The investigation into the terrorist attack in St. Petersburg had revealed that the Azimovs had also been involved in terrorism in Syria in 2013 and in collecting weapons for terrorism. The investigation would continue until October 2018. There had been no reports of any ill-treatment of the accused while they had been in detention. Similarly, the law enforcement agencies had not received any reports concerning crimes against lesbian, gay, bisexual, transgender and intersex persons. Such allegations were only found in the media.

56. The investigation into the death in custody of Valery Pshenichny was still under way. There had been no evidence thus far to prove that the wounds on Mr. Pshenichny's body had been inflicted by penitentiary staff. The report filed by independent medical experts from the Ministry of Health stated that Mr. Pshenichny's spine had been broken by hanging and his death had been the result of asphyxiation from a noose around his neck. The criminal investigation into Sergei Magnitsky's death had not revealed any evidence of unlawful acts or torture by prison officials. The investigation had found that the doctor assigned to the prison had failed to provide adequate medical care; however, the statute of limitations for prosecution had expired. A court had exonerated the deputy head of the prison from any involvement in Mr. Magnitsky's death.

57. With regard to Ms. Gaer's question on violence against women, article 76 of the Criminal Code provided for release from criminal liability for perpetrators where they had reconciled with the victim, but only in cases involving minor offences.

58. **Mr. Kulagin** (Russian Federation) said that the significant decrease in deaths and disease incidence in prisons was testament to the fact that the medical supplies and professionals provided to penitentiary centres were sufficient to ensure adequate care. In 2017, over 400,000 complaints had been received from prisoners, 14 per cent of which had concerned medical issues, 9 per cent had been requests for a transfer to a prison nearer the prisoner's home, 4 per cent had been requests for family visits, 2 per cent had been requests for early release and 2 per cent had related to violation of inmates' rights.

59. **Mr. Galperin** (Russian Federation) said that several of the cases mentioned were still before the courts and therefore it was not appropriate for the delegation to comment on them. The question of Transnistria could be resolved only through political dialogue. The Russian Federation did not and could not exercise effective control over Transnistria, a region with which it did not share any border.

60. The amendments to the legislation on violence against women had aimed to improve the detection rate and accelerate the processing of first-offence cases, as administrative cases could be dealt with relatively quickly. Cases involving recidivist offenders were treated as criminal offences. When the law against domestic violence had come into force in 2016, 30,000 criminal cases of violence against women had been filed. The following year, after the introduction of the amendments, the number of administrative cases had risen dramatically, to 130,000, and administrative sanctions had been imposed on a high number of offenders.

61. The Government strove to ensure that compensation for victims of torture was in line with that awarded by the European Court of Human Rights. Efforts were also made to ensure that all detainees in the country could effectively exercise their rights in practice. Officials were prohibited by law from obstructing the submission of complaints from Russian inmates to international human rights bodies, and there were currently hundreds of such complaints before various bodies, including the European Court of Human Rights. The delegation had been unable to verify reports regarding breaches of the 48-hour limit on detention of suspects without a court order. That time limit was fully respected, and the Government was not aware of any complaints concerning violations in that regard.

62. He wished to express appreciation to the Committee for the constructive dialogue. He was also grateful to the parties, including a non-governmental organization, that had been involved in the preparation of his Government's sixth periodic report and to the media, which contributed to transparency and openness and helped the Government to implement the Convention and promote human rights.

The meeting rose at 6 p.m.